

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,015	AKELLA ET AL.	
	Examiner Chih-Min Kam	Art Unit 1656	

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 2/9/07.
2.  The allowed claim(s) is/are 1,2,4-6,20,21,23-29,31,32 and 34-40.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### *Status of the Claims*

1. Claims 1, 2, 4-6, 20, 21, 23-29, 31, 32 and 34-40 are pending.

Applicants' amendment and response filed February 9, 2007 is acknowledged.

Applicants' response has been fully considered. Claims 20, 21 and 31 have been amended.

Therefore, claims 1, 2, 4-6, 20, 21, 23-29, 31, 32 and 34-40 are examined.

### **Withdrawn Claim Rejections - 35 USC § 112**

2. The previous rejection of claims 20-21 and 31-32 under 35 U. S. C. 112, first paragraph, written description, is withdrawn in view of applicant's amendment to the claim, and applicant's response at pages 6-7 of the amendment filed February 9, 2007.

3. The previous rejection of claims 20, 21, 31 and 32 under 35 U. S. C. 112, second paragraph, is withdrawn in view of applicant's amendment to the claim, and applicant's response at page 7 of the amendment filed February 9, 2007.

### *Examiner's Amendment*

An **Examiner's Amendment** to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### **Examiner's Amendment to the Specification:**

Please replace the term "SEQ ID NOS 1 and 2" at page 7, lines 23-24 with the term "IGD (SEQ ID NO:1) and GGIGDGG (SEQ ID NO:2)".

Please add "(SEQ ID NO: 7)" after "GGDIGGG" at page 7, line 25.

Please replace the term "SEQ ID NOS 1 and 2" at page 8, line 28 with the term "IGD (SEQ ID NO:1) and GGIGDGG (SEQ ID NO:2)".

Please add "(SEQ ID NO: 7)" after "GGDIGGG" at page 8, line 23 and line 29.

Please add "(SEQ ID NO: 1)" after "IGD" at page 9, line 24.

Please add "(SEQ ID NO: 2)" after "GGIGDGG" at page 9, line 24.

Please add "(SEQ ID NO: 7)" after "GGDIGGG" at page 9, line 25.

**The following is an Examiner's Statement of Reasons for Allowance:** The following reference appears to be the closest art to the claimed invention. Schor (WO99/02674) discloses a compound with a relative molecular mass of less than 15,000 comprising the peptide IGD or a peptide or non-peptide mimic thereof, which may be used to modulate cell migration and is useful in angiogenesis, where the peptide may consists of multiple repeats of IGD in a cyclic form, e.g., tandem repeats of IGD-containing moiety such as IGD itself; and a pharmaceutical composition comprising the compound and a pharmaceutically acceptable carrier. However, the reference does not teach the peptide consisting of GGIGDGG and an angiogenic composition comprising the peptide of GGIGDGG. Therefore, the claims are allowable over the art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Bragdon can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Min Kam, Ph. D.  
Primary Patent Examiner



CHIH-MIN KAM  
PRIMARY EXAMINER

CMK

February 20, 2007